

## **Town Board Minutes**

July 6, 2015

Meeting No. 22

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 6<sup>th</sup> day of July 2015 at 7:00 P.M. and there were

**PRESENT:** JOHN ABRAHAM , COUNCIL MEMBER  
RONALD RUFFINO, COUNCIL MEMBER  
DONNA STEMPIAK, COUNCIL MEMBER  
DINO FUDOLI, SUPERVISOR

**ABSENT:** NONE

**ALSO PRESENT:** JOHANNA COLEMAN, TOWN CLERK  
JOHN DUDZIAK, TOWN ATTORNEY  
LEONARD CAMPISANO, ASST. CODE ENFORCEMENT  
OFFICER  
GERALD GILL, CHIEF OF POLICE  
MARK LUBERA, PARK CREW CHIEF  
DANIEL AMATURA, HIGHWAY SUPERINTENDENT  
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES  
JOHN TROJANOWSKY, EXEC. DIRECTOR, YOUTH BUREAU

### **EXECUTIVE SESSION:**

AT 8:53 P.M., UPON A MOTION DULY MADE BY COUNCIL MEMBER ABRAHAM, SECONDED BY COUNCIL MEMBER RUFFINO AND CARRIED, the Town Board entered into Executive Session to deliberate on the announced purpose of discussing the employment of a particular person or persons.

At 9:21 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

## **PERSONS ADDRESSING TOWN BOARD:**

**Beutler, Daniel**, spoke to the Town Board on the following matters:

- Comments regarding pre-filed resolutions.
- Lincoln Street culvert project.

**Caico, Rosa**, spoke to the Town Board on the following matter:

- Damage done to driveway during November 2014 storm; she would like the Town to repair her driveway. Says her insurance company will not cover damage.

**Fronczak, Mike**, spoke to the Town Board on the following matters:

- Disposition of Communications.
- Reimbursement from Village regarding Code Enforcement.
- Comments regarding zoning amendments.

**Kalinka, Mike**, spoke to the Town Board on the following matters:

- Questions regarding traffic study on Village View Drive.
- Fire whistle (horn) at Twin District Volunteer Fire Company.

**Kazmierczak, Tom**, spoke to the Town Board on the following matters:

- Comments regarding his driveway and neighbors driveways.
- Said that Independence Day celebration was peaceful.
- Talked about his volunteerism.

**Komrek, Dennis**, President, Lancaster White Collar Union, spoke to the Town Board on the following matter:

- Urges the continuation of the collaboration between the Town and the School District by retaining the position of Social Work Counselor.

**Parker, John**, spoke to the Town Board on the following matter:

- Urges the continuation of the collaboration between the Town and the School District by retaining the position of Social Work Counselor.

**Robida, Ronald**, spoke to the Town Board on the following matter:

- Damage done to driveway during November 2014 storm; he would like the Town to repair his driveway. Says his insurance company will not cover damage.

**Schanne, Karen**, spoke to the Town Board on the following matter:

- Spoke about her professional service to our community.

**Trojanowsky, John**, Executive Director of Lancaster Youth Bureau, spoke to the Town Board on the following matter:

- Urges the continuation of the collaboration between the Town and the School District by retaining the position of Social Work Counselor.

**PUBLIC HEARING SCHEDULED FOR 7:15 P.M.:** No. 1 Special Use Permit Application:  
Jennifer Cuttitta Hair Salon.

ON MOTION BY COUNCIL MEMBER RUFFINO, SECONDED BY  
COUNCIL MEMBER ABRAHAM AND CARRIED, the public hearing was opened.

At 7:15 P.M., the Town Board held a Public Hearing to hear all interested  
persons upon a Special Use Permit Application: Jennifer Cuttitta Hair Salon matter.

The affidavits of publication and posting of this Public Hearing are on file and  
a copy of the Legal Notice has been posted.

<b>NAME OF PERSONS ADDRESSING THE BOARD ON THIS SUBJECT</b>	<b>Proponent/ Opponent/ Comments/Question</b>
Jennifer Cuttitta, Petitioner	Proponent

ON MOTION BY COUNCIL MEMBER STEMPIAK, SECONDED BY COUNCIL  
MEMBER ABRAHAM AND CARRIED, the public hearing was closed at 7:16 P.M.

Decision on this matter was reserved.

July 6, 2015

**PUBLIC HEARING SCHEDULED FOR 7:15 P.M.:** No. 2 Rezone Petition: Jeffrey Bocchiechio For 00 Broadway

ON MOTION BY COUNCIL MEMBER STEMPNIAK, SECONDED BY COUNCIL MEMBER RUFFINO AND CARRIED, the public hearing was opened.

At 7:16 P.M., the Town Board held a Public Hearing to hear all interested persons upon a rezone petition: Jeffrey Bochiechio for 00 Broadway matter.

The affidavits of publication and posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

<b>NAME OF PERSONS ADDRESSING THE BOARD ON THIS SUBJECT</b>	<b>Proponent/ Opponent/ Comments/Question</b>
Jeffrey Bochiechio, Petitioner	Proponent
Sonny Travis	Opponent
Donald Christie	Opponent
Mike Murray	Opponent
Luke Montanino	Opponent
Judith Travis	Opponent
Bob Leach	Opponent
Dan Deangelis	Opponent
Henry Kacala	Opponent
Tony Kushner	Opponent
Kristina Deangelis	Opponent
Paul Meegan	Opponent

ON MOTION BY COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL MEMBER ABRAHAM AND CARRIED, the public hearing was closed at 8:00 P.M.

Decision on this matter was reserved.

July 6, 2015

**PRESENTATION OF PREFILED RESOLUTIONS:**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR FUDOLI, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**RESOLVED,** that the minutes of the Joint Meeting of the Town Board and the Planning Board held June 15, 2015 and the Regular Meeting of the Town Board held June 15, 2015 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPNIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

July 6, 2015

File: RMIN (P1)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR FUDOLI, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ABRAHAM, TO WIT:

**RESOLVED**, that the following Audited Claims be and are hereby ordered  
paid from their respective accounts as per abstract to be filed in the Office of the Town Clerk  
by the Assistant to the Supervisor, to wit:

Claim No. 40426 to Claim No. 40647 Inclusive

Total amount hereby authorized to be paid: \$2,180,361.86

The question of the foregoing resolution was duly put to a vote on roll call  
which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPNIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

July 6, 2015

File: Rclaims

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ABRAHAM, TO WIT:

**RESOLVED** that the following Building Permit applications be and are hereby reaffirmed:

**CODES:**

- (SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town of Lancaster are waived for this permit.  
(CSW) = Conditional sidewalk waiver  
(V/L) = Village of Lancaster

**NEW PERMITS:**

Pmt #	SW	Applicant Name	Address	STRUCTURE	Village
24050		TNT Custom Decks &	387 Schwartz Rd	Er. Deck	
24051		Building Solutions	120 Pleasant Ave	Re-Roof	(V/L)
24052		Donald & Beth Palmisano	1707 Como Park Blvd	Er. Pool-In Grnd	
24053		Donald B Ripper	5 Meadow Lea Dr	Re-Roof	
24054		Utech Basement Waterproofing	16 Cemetery Rd	Er. Res. Alt.	
24055		Titan's Remodeling	236 Pleasant View Dr	Re-Roof	
24056		Scott & Crystal Horvatits	1 Joseph Dr	Er. Fence	
24057		Stephen Moscovic	4900 William St	Er. Shed	
24058		Jennifer Bickley	106 Brunswick Rd	Er. Shed	(V/L)
24059		KCM Custom Built Garages Inc.	162 Irwinwood Rd	Er. Garage	(V/L)
24060		Gregory M Schober	28 Deerpath Dr	Er. Shed	
24061		David J West	220 Nathan's Trl	Er. Fence	
24062		Walter & Darlene Wager	493 Harris Hill Rd	Er. Fence	
24063		John & Margaret Winiewicz	59 Tranquility Trl	Er. Dwlg.-Sin.	
24064		Serina Kiszewski	42 Roosevelt Ave	Re-Roof	(V/L)
24065		G & Vertino Schiavi	141 Albert Dr	Re-Roof	(V/L)
24066		Douglas J Smith	10 Dorchester Ct	Re-Roof	
24067		Richard S Keller	12 Northbrook Ct	Re-Roof	
24068		Lancaster Land LP	58 Pavement Rd	Er. Dwlg.-Sin.	
24069		Fairway Hills Management	7 Crabapple Ln	Er. Dwlg.-Sin.	
24070		Glenn & Marie Draves	419 Lake Ave	Inst. Generator	
24071		John Wawrowski	5485 Broadway	Er. Fence	(V/L)
24072		Majestic Pools Inc.	714 Pavement Rd	Er. Pool-In Grnd	
24073		Majestic Pools Inc.	714 Pavement Rd	Er. Fence	
24074		Dennis Warzel	23 Kent Pl	Er. Res. Alt.	
24075		Stockmohr Co Inc	195 Seneca Pl	Re-Roof	
24076		Stockmohr Co. Inc	6111 Broadway	Re-Roof	
24077		Robert & Jessica Nice	170 Ransom Rd	Er. Deck	
24078		Timothy Schaefer	4 Clermont Ct	Re-Roof	
24079		Robert & Jessica Nice	170 Ransom Rd	Er. Pool-Abv Grnd	
24080		Neth & Son Inc.	26 Ashwood Ct	Er. Res. Alt.	
24081		Linda M Padilla	24 Pheasant Run Ln	Er. Fence	
24082		Brian Zelasko	8 Northbrook Ct	Er. Fence	
24083		Santoro Sign Inc.	5W Main St	Er. Sign – Wall	(V/L)
24084		Brian & Jennifer Brady	19 Ashwood Ct	Er. Pool-In Grnd	
24085		Thomas & Diane Luksch	3 Westbury Ln	Er. Fence	
24086		Thomas & Diane Luksch	3 Westbury Ln	Er. Pool-In Grnd	
24087		Harry & Michele Steffens	59 Tomahawk Trl	Er. Fence	
24088		Cory Cwiklinski	60 Doris Ave	Er. Fence	(V/L)
24089		Thomas & Susan Baranick	70 Camner Ave	Er. Res. Alt.	(V/L)
24090		Thomas & Susan Baranick	70 Camner Ave	Re-Roof	(V/L)
24091		The Vinyl Outlet Inc.	28 Village View	Er. Fence	
24092		Christina Shaffer	52 Simme Rd	Re-Roof	
24093		Iroquois Fence Inc.	38 Sussex Ln	Er. Fence	
24094		Iroquois Fence Inc.	14 Old Orchard Comm	Er. Fence	
24095		Stockmohr Co Inc.	32W Payne St	Re-Roof	(V/L)
24096		PJK Roofing Inc.	84 Lake Ave	Re-Roof	(V/L)
24097		Daniel & Nancy Walter	606 Pavement Rd	Er. Garage	
24098		Transit-William Associates LLC	4931 Transit Rd	Er. Comm. Bldg.	
24099		Joseph & Brenda Bantle	1284 Townline Rd	Er. Shed	

24100	Bonnie O'Neil	1476 Townline Rd	Er. Dwlg.-Sin.	
24101	Regina Nesterenko	107S Irwinwood Rd	Re-Roof	(V/L)
24102	TJ & Lisa Kulikowski	34 Sterling Pl	Er. Fence	
24103	TJ & Lisa Kulikowski	34 Sterling Pl	Er. Pool-In Grnd	
24104	Schuster Const	260 Miller Ave	Er. Dwlg.-Dbl.	
24105	Daniel & Linda Fetes	38 Village View	Er. Fence	
24106	Timothy & Michele Bly	1440 Townline Rd	Er. Deck	
24107	Jaso & Christy Leto	144 Nathan's Trl	Re-Roof	
24108	Anthony & Marien Gorski	192 Westwood Rd	Er. Res. Alt.	
24109	Jessica Schmidt	30 Petersbrook Cir	Re-Roof	
24110	Daryl & Amy Gram	20 Cambridge Ct	Re-Roof	
24111	Marcia Tichy	141 Pleasant View Dr	Er. Fence	
24112	Buffalo Business Brokers &	420 Aurora St	Dem. Sin. Dwlg	
24113	Daniel & Caterina Plotnicki	7 Michael's Walk	Er. Deck	
24114	Walter & Darlene Wagner	493 Harris Hill Rd	Er. Res. Alt.	
24115	Matthias & Emma Williams	140 Central Ave	Er. Fence	(V/L)
24116	David & Jacqueline Browinski	40 Wren Ave	Er. Fence	(V/L)
24117	Daniel Amatura	21 Burwell Ave	Re-Roof	(V/L)
24118	Charles & Aures Dawes	79 Michael Anthony Ln	Re-Roof	
24119	Albert & Shirley Rinow	83 Garfield St	Inst. Generator	(V/L)
24120	Thomas & Amy Kotarski	12 Rose St	Er. Shed	
24121	Douglas & Sharon Sexton	36W Drullard Ave	Er. Deck	(V/L)
24122	Fairway Hills Development	4 Pear Tree Ln	Er. Dwlg.-Sin.	
24123	Daniel & Susan Hatfield	22 Regency Ct	Er. Shed	
24124	Shelly Zuppa	104 Woodlawn Ave	Er. Res. Add.	(V/L)
24125	Stanley J Dobbs	5242 William St	Re-Roof	
24126	Regina Nesterenko	107S Irwinwood Rd	Er. Fence	(V/L)
24127	Frank Trybuskiewicz	5680 Broadway	Er. Res. Alt.	
24128	James J Lynch	67 First Ave	Er. Fence	(V/L)
24129	Fairways at Lancaster LLC	5360 Genesee St	Er. Sign - Wall	
24130	Judith M Rivera	5 Juniper Blvd	Er. Fence	
24131	Italian Gardens Real Estate	6461 Transit Rd	Er. Sign - Pole	
24132	Kevin Szczesny	17 Arrow Trl	Er. Deck	
24133	CMK Builders	64 Nichter Rd	Er. Dwlg.-Sin.	
24134	Saleh Smith Realty LLC	5380 Genesee St	Er. Comm. Add./Alt.	
24135	Clover Comnty Lancaster LLC	18 Pavement Rd	Er. Res. Alt.	
24136	Brian & Kelly Sustakoski	4 Summerfield Dr	Er. Fence	
24137	John & Emily Cicero	36 Middlebury Ln	Er. Fence	
24138	Thomas & Susan Larkin	72 Wayne St	Er. Res. Alt.	(V/L)
24139	Thomas & Susan Larkin	72 Wayne St	Er. Deck	(V/L)
24140	Robert & Dirmyer Hamp	22 Redlein Dr	Re-Roof	
24141	Carly Hooper	52 Fourth Ave	Er. Fence	(V/L)
24142	D Allen & Son Contracting Inc	120 Irwinwood Rd	Re-Roof	(V/L)
24143	Thomas Andrzejewski	78S Irwinwood Rd	Re-Roof	(V/L)
24144	Alexander Gill	1837 Como Park Blvd	Er. Shed	(V/L)
24145	Lawrence Smith	39 Newberry Ln	Er. Fence	
24146	Timothy & Donna Knoerl	27 Michael Anthony Ln	Re-Roof	
24147	Floyd & Norma Adolf	54 Fifth Ave	Re-Roof	(V/L)
24148	Dinatale Enterprises	32 Norris Ave	Re-Roof	(V/L)
24149	James & Pamela Del Prince	56 Tranquility Trl	Er. Shed	
24150	James & Leighanne Buntins	61 Southpoint Dr	Er. Fence	
24151	William Slater	28 Newberry Ln	Er. Res. Alt.	
24152	18 Turner Drive Inc.	2600 Commerce Pkwy	Er. Comm. Add./Alt.	(V/L)
24153	RJ Zima Inc.	5828 Broadway	Inst. Ingrnd. Sprinkler	
24154	Sahlems Roofing and Siding Inc	10 Bridgewater Ct	Re-Roof	
24155	Sahlems Roofing and Siding Inc	747 Schwartz Rd	Re-Roof	
24156	Salems Roofing and Siding Inc	15 Katelyn Ln	Re-Roof	
24157	Transit French Associates	4779 Transit Rd	Er. Sign - Temp	
24158	Joseph Ligammare	11 Worthington Ln	Er. Res. Alt.	
24159	Russell & Mildred Andolina	275 Enchanted Forest N	Er. Fence	
24160	Lynn A Smith	110 Elm Pl	Re-Roof	(V/L)



**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPNIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

July 6, 2015

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR FUDOLI, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ABRAHAM, TO WIT:

**WHEREAS,** Twin District Volunteer Fire Company, Inc., by letter  
dated June 11, 2015, has requested the addition of the following member to the roster of said  
fire association,

**NOW, THEREFORE, BE IT**

**RESOLVED,** that the Town Board of the Town of Lancaster hereby confirms  
the addition to the membership of the Twin District Volunteer Fire Company the following  
individual:

**ADDITION:**

Gregg Schaffer  
Lancaster, NY

The question of the adoption of the foregoing resolution was duly put to a  
vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPNIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

July 6, 2015

File: RFIRE (P5)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER RUFFINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPNIAK, TO WIT:

**WHEREAS,** §1660 (18) Vehicle and Traffic Law permits the Town to designate the location of stop signs and no-passing zones affecting town roads outside of the Villages of Lancaster and Depew, and

**WHEREAS,** the Town Board of the Town of Lancaster deems it in the public interest to make certain amendments to the Town Ordinance entitled, "VEHICLE AND TRAFFIC ORDINANCE OF THE TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK, DESIGNATED AS CHAPTER 46 OF THE CODE OF THE TOWN OF LANCASTER",

**NOW, THEREFORE, BE IT**

**RESOLVED,** that pursuant to §130 of the Town Law of the State of New York, a public hearing on proposed amendments to the Vehicle Traffic Ordinance, Chapter 46 of the Code of the Town of Lancaster, County of Erie and State of New York, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 20<sup>th</sup> day of July 2015, at 7:15 o'clock P.M., Local Time, and that Notice of the Time and Place of such hearing will be published in the Official Newspaper of general circulation in said Town, and be posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPNIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

July 6, 2015

**LEGAL NOTICE**  
**PUBLIC HEARING**  
**AMENDMENT TO VEHICLE & TRAFFIC ORDINANCE**  
**TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK**  
**DESIGNATED AS CHAPTER 46 OF CODE OF TOWN OF LANCASTER**

**LEGAL NOTICE IS HEREBY GIVEN** that pursuant to the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 6<sup>th</sup> day of July, 2015, the said Town Board will hold a Public Hearing on the 20<sup>th</sup> day of July, 2015, at 7:15 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all persons upon the following amendments to the Vehicle and Ordinance of the Town of Lancaster, Erie County, New York, designated as Chapter 46 of the Code of said Town:

**CHAPTER 46**

**Article STOP INTERSECTIONS; NON-INTERSECTION STOPS;  
YIELD INTERSECTIONS**

**46-8.1 Stop Intersections designated, is hereby amended by adding  
thereto following:**

**Pleasant Meadows Creekside Subdivision**

<b>STREET NAME</b>	<b>INTERSECTING STREET</b>	<b>SIGN LOCATION</b>
<b>Magrum Lane</b>	<b>Juniper Boulevard (Northern End)</b>	<b>S.W. Corner</b>
<b>Magrum Lane</b>	<b>Juniper Boulevard (Southern End)</b>	<b>S.W. Corner</b>

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**By: JOHANNA M. COLEMAN  
Town Clerk**

July 9, 2015

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER RUFFINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ABRAHAM, TO WIT:

**WHEREAS**, a Public Hearing was held on the 15<sup>th</sup> day of June, 2015 for the purpose of amending Chapter 46 of the Vehicle and Traffic Ordinance of the Code of the Town of Lancaster; and persons for and against such amendment have had an opportunity to be heard, and

**WHEREAS**, a Notice of said Public Hearing was duly published and posted:

**NOW, THEREFORE, BE IT  
RESOLVED**, as follows:

- 1. That Chapter 46, Vehicle and Traffic Ordinance of the Code of the Town of Lancaster be amended in the form attached hereto and made a part hereof;
- 2. That said amendment be added in the minutes of the meeting of the Town Board of the Town of Lancaster held on July 6, 2015;
- 3. That a Certified Copy thereof be published in the Lancaster Bee on July 9, 2015;
- 4. That a Certified Copy of the amendment be posted on the Town Bulletin Board:
- 5. That Affidavits of Publication and Posting be filed with the Town Clerk;
- 6. That the Highway Superintendent take whatever action is necessary to install signs in accordance with the Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

July 6, 2015

**LEGAL NOTICE  
NOTICE OF ADOPTION  
AMENDMENT TO VEHICLE & TRAFFIC ORDINANCE  
TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK**

NOTICE IS HEREBY GIVEN that the Vehicle and Traffic Ordinance of the Town of Lancaster, Erie County, New York, designated as Chapter 46 of the Code of the Town of Lancaster is hereby amended as follows:

**ARTICLE XIX -MISCELLANEOUS AND AUXILIARY WARNINGS**

**Section 46-28 "No-outlet roadways designated" is hereby amended by adding thereto:**

<b>STREET</b>	<b>DIRECTION</b>	<b>ENTRANCE STREET</b>	<b>SIGN LOCATION</b>
.....			
<b>Buckingham Court</b>	<b>East to West</b>	<b>Intersection of Windcroft Lane</b>	<b>N/W Corner</b>

July 9, 2015

**STATE OF NEW YORK    :**  
**COUNTY OF ERIE        :**                   **SS:**  
**TOWN OF LANCASTER   :**

**THIS IS TO CERTIFY** that I, **JOHANNA M. COLEMAN**, Town Clerk of the Town of Lancaster in the said Town of Lancaster in the said County of Erie, have compared the foregoing copy of an amendment to the Vehicle and Traffic Ordinance of the Town of with the original thereof filed in my office at Lancaster, New York on the 6<sup>th</sup> day of July, 2015, and that the same is a true and correct copy of said original, and of the whole thereof.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the Seal of said Town, this 6<sup>th</sup> day of July, 2015.

\_\_\_\_\_  
**Johanna M. Coleman, Town Clerk**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER RUFFINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPNIAK, TO WIT:

**WHEREAS**, a Public Hearing was held on June 15, 2015 for the purpose of amending Chapter 46 -Vehicle and Traffic Ordinance of the Code of the Town of Lancaster and persons for and against such amendment have had an opportunity to be heard,

**WHEREAS**, a Notice of said Public Hearing was duly published and posted

**NOW, THEREFORE, BE IT  
RESOLVED**, as follows:

- 1. That Chapter 46, Vehicle and Traffic Ordinance of the Code of the Town of Lancaster be amended in the form attached hereto and made a part hereof;
- 2. That said amendment be added in the minutes of the meeting of the Town Board of the Town of Lancaster held on July 6, 2015;
- 3. That a Certified Copy thereof be published in the Lancaster Bee on July 9, 2015;
- 4. That a Certified Copy of the amendment be posted on the Town Bulletin Board:
- 5. That Affidavits of Publication and Posting be filed with the Town Clerk;
- 6. That the Highway Superintendent take whatever action is necessary to install signs in accordance with the Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPNIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

July 6, 2015

**LEGAL NOTICE  
NOTICE OF ADOPTION  
AMENDMENT TO VEHICLE & TRAFFIC ORDINANCE  
TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK**

**NOTICE IS HEREBY GIVEN** that the Vehicle and Traffic Ordinance of the Town of Lancaster, Erie County, New York, designated as Chapter 46 of the Code of the Town of Lancaster is hereby amended as follows:

**CHAPTER 46  
ARTICLE VIII -Stop Intersections; Non-Intersection Stops; Yield intersections**

**46-8.1 Stop Intersections designated, is hereby amended by adding thereto the following:**

**Cross Creek Subdivision**

<b>STREET NAME</b>	<b>INTERSECTING STREET</b>	<b>SIGN LOCATION</b>
<b>Darien Court</b>	<b>Tranquility Trail</b>	<b>N.W. Corner</b>
<b>Weathersfield Lane</b>	<b>Middlebury Lane</b>	<b>N.W. Corner</b>

**July 9, 2015**

**STATE OF NEW YORK    :**  
**COUNTY OF ERIE        :**  
**OF LANCASTER         :**

**THIS IS TO CERTIFY** that I, **JOHANNA M. COLEMAN**, Town Clerk of the Town of Lancaster in the said Town of Lancaster in the said County of Erie, have compared the foregoing copy of an amendment to the Vehicle and Traffic Ordinance of the Town of Lancaster, with the original thereof filed in my office at Lancaster, New York on the 6<sup>th</sup> day of July 2015 and that the same is a true and correct copy of said original, and of the whole thereof.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the Seal of said Town, this 6<sup>th</sup> day of July, 2015.

\_\_\_\_\_  
Johanna M. Coleman, Town Clerk



THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, the Town Board of the Town of Lancaster has heretofore held a public hearing pursuant to Chapter 50-Zoning Section 17 (F) of the Code of the Town of Lancaster, upon the application of **Lynette M. Metzger**, for a Special Use Permit for a Home Occupation (Dog Grooming Service) on premises located at 33 Meadow Lea Drive, Lancaster, New York, and the Board originally issued such Special Use Permit on May 15, 2006, this Special Use Permit is subject to renewal upon application by the property owner, and

**WHEREAS**, **Lynette M. Metzger** has requested that the Town Board renew the Special Use Permit for an additional two (2) year period, and

**WHEREAS**, the Code Enforcement Officer has recommended his approval of this Special Use Permit in his letter dated June 11, 2015

**NOW THEREFORE, BE IT  
RESOLVED, as follows:**

1. That pursuant to Chapter 50-Zoning, Section 17 (F), entitled "Home Occupation", of the Code of the Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant a Special Use Permit to **Lynette M. Metzger**, for a Home Occupation (Dog Grooming Service) on premises located at 33 Meadow Lea Drive, Lancaster, New York, upon the terms and conditions as set forth in the Zoning Ordinance.

2. That the applicant will continue in compliance with all conditions as set forth in Chapter 50, Section F, of the Code of the Town of Lancaster as long as the applicant continues to engage in the home occupation on the premises, including but not limited to:

- a. This Special Use Permit terminates when the applicant no longer resides on the premises.
- b. There shall be no outdoor sign advertising this business.
- c. Only persons residing on the premises shall be engaged in such an occupation.
- d. Permit must be renewed every two (2) years at no additional cost to the applicant. Renewal is considered upon the property owner submitting an application to the Town Clerk, on or before May 15, 2017.
- e. Applicant will authorize representatives from the Building Inspector's Office to enter the premises upon reasonable notice to inspect the premises to verify compliance with this permit.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

July 6, 2015

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR FUDOLI, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ABRAHAM, TO WIT:

**WHEREAS**, the Town of Lancaster (the “Town”) and Upstate Cellular Network d/b/a Verizon Wireless (“Verizon Wireless”) have negotiated an Option and Land Lease Agreement (the “Lease”) granting Verizon Wireless the option to lease space for the siting of a wireless telecommunications facility consisting of freestanding self-support tower, antennas, an equipment shelter, and other appurtenances necessary to operate the facility (the “Project”), on property owned by the Town, known by Tax Map Number 94.00-3-14, and located at 525 Pavement Road, in the Town of Lancaster, Erie County, New York (the “Property”), with rights for appropriate ingress and egress and utilities in connection therewith; and

**WHEREAS**, pursuant to Section 50-41.5 of the Town of Lancaster Code, new wireless telecommunications facilities may be granted a waiver by the Town Board from the requirements from the Town’s local zoning law and wireless telecommunications law if sited on Town-owned property (the “Waiver”); and

**WHEREAS**, Verizon Wireless has applied to the Town Board for approval of the Project, including approval of the Lease and the Waiver; and

**WHEREAS**, the Town Board is fully familiar with the proposed location, the surrounding parcels, and the larger neighborhood; and

**WHEREAS**, the Town Board has reviewed the Project, the Lease, the Waiver, and Verizon Wireless’s application materials, including the Environmental Assessment Form, site plan and all other materials submitted in connection therewith.

**NOW, THEREFORE,**  
**BE IT RESOLVED** by the Town Board of the Town of Lancaster that:

1. Based upon the Town Board’s thorough and careful review of the Project, the Lease, the Waiver, and Verizon Wireless’s application materials, including the Environmental Assessment Form, project plan and all other materials submitted in connection therewith, this Board hereby determines that the Project, the Lease, and the Waiver will not result in any significant environmental impacts and hereby issues a negative declaration pursuant to SEQRA.
2. The Town Clerk shall file a copy of the Negative Declaration in the file for the Project.
3. The Town Attorney's Office shall prepare and file a Notice of Determination of Non-Significance with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal.
4. This resolution is effective immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

July 6, 2015

**NEGATIVE DECLARATION**  
**Determination of Non-Significance**

**Town of Lancaster Town Board**

**Dated: July 6, 2015**

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Lancaster Town Board (the “Town Board”), has reviewed the proposed action, which includes an Option and Land Lease Agreement (the “Lease”) granting Verizon Wireless the option to lease space for the siting of a wireless telecommunications facility consisting of freestanding self-support tower, antennas, an equipment shelter, and other appurtenances necessary to operate the facility (the “Project”), on property owned by the Town, known by Tax Map Number 94.00-3-14, and located at 525 Pavement Road, in the Town of Lancaster, Erie County, New York (the “Property”), with rights for appropriate ingress and egress and utilities in connection therewith, as well as relevant zoning and planning approvals related thereto. The Town Board has determined the Project will not have a significant adverse environmental impact and that a Draft Environmental Impact Statement will not be prepared.

**Name of Action:** Upstate Cellular d/b/a Verizon Wireless – Construction of Telecommunications Tower

**Location of Action:** 525 Pavement Road, Lancaster, New York 14086, Erie County.

**SEQR Status:** Unlisted Action.

**Description of Action:** Upstate Cellular Network d/b/a Verizon Wireless is proposing to install a new wireless telecommunications facility at 525 Pavement Road. The proposed 43’ x 80’ fenced compound area (6’ tall chain link with barbed wire top) will include a proposed 150’ self-supporting tower, a 12’ x 30’ equipment shelter on a 12’ x 30’ concrete pad, meter board, telco cabinet/vault, transformer, gravel access drive and turnaround. There is also a place for a future wireless telecommunications equipment building within the compound and an area reserved for future compound and gravel drive expansion. On the proposed 150’ tower, Verizon Wireless will have 12 panel antennas and associated equipment within an antenna centerline of 140’. The Town of Lancaster will be locating antennas on the tower at 80’ AGL, 60’ AGL and 40’ AGL.

**Reasons Supporting this Determination:** Potential environmental impacts associated with the Project were identified in the Environmental Assessment Form. The Town analyzed the project under the criteria for determining significance identified in 6 NYCRR § 617.7(c)(1) and in accordance with 6 NYCRR § 617.7(c)(2) and (3). As indicated below based on each criterion specified in 6 NYCRR § 617.7(c)(1), the Project will not have a significant adverse impact on the environment.

1. Air, Water, Noise, Waste, Erosion, Drainage, Site Disturbance Effects: The Project will not create any adverse change in the existing air quality, water quality or noise levels, nor in solid waste production, nor potential for erosion, nor promote flooding or drainage problems. The Project will produce a minimal disturbance of soil and vegetation, with minimal storm water run-off.

2. Aesthetics, Agriculture, Archeology, History, Natural or Cultural Resource, Community or Neighborhood Character: The Project will not adversely affect agricultural, archeological, historical, natural, or cultural resources. The tower will be visible from a number of sensitive receptors, but will not interfere with the use or enjoyment of those sites.

The Project is considered a public utility for zoning purposes that must be located as and where necessary to provide essential wireless telecommunications service. Based on the evidence submitted, no co-location site with lesser impact that will meet the needs of the public is available.

3. Vegetation, Fish, Wildlife, Significant, Habitats, Threatened or Endangered Species. No plant or animal life will be adversely affected by the Project.

4. Community Plans, Use of Land or Natural Resources. The Project is in keeping with the official community plans and goals and will have no adverse effects on land-use or the use of natural resources by or in the community.

5. Growth, Subsequent Development, etc. The Project will not induce any significant or adverse growth or subsequent development.

6. Long Term, Short Term, Cumulative, or Other Effects. The Project will not have any significant adverse long term, short term, cumulative, or other environmental effects.

7. Critical Environmental Area. The Project will not have an impact on any Critical Environmental Area as designated in 6 NYCRR, subdivision 617.14(g).

8. Public Health and Safety. The Project will have no adverse impacts on the public health. The Town Board recognizes that the Project will enable Verizon Wireless to provide reliable wireless telecommunications service to the Town, enabling individuals, businesses and emergency service providers access to this essential service. The Project will promote the general health, safety and welfare of the citizens of the Town by providing access to a modern, reliable system of wireless telecommunications service.

9. The proposed action will not result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora or fauna).

10. The proposed action will not result in an increase in the potential for erosion, flooding or drainage problems.

11. The proposed action will not create a hazard to environmental resources or human health.

Notice of this determination of non-significance shall be filed to the extent required by the applicable regulation under SEQRA or as may be deemed advisable by the Town Board.

**For Further Information:**

Contact Person:	John M. Dudziak, Town Attorney
	Town of Lancaster
Address:	21 Central Avenue
	Lancaster, New York 14086
Telephone Number:	(716) 684-3342

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER ABRAHAM, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, The Town Board had previously authorized the advertisement for bids for the proposed Town of Lancaster’s Lincoln Street Culvert Project, and

**WHEREAS**, a bond resolution was adopted on November 17, 2014 for a maximum amount not to exceed Five Hundred Thousand dollars (\$500,000.00), and

**WHEREAS**, five bids were received, opened and reviewed on June 10, 2015, and

**WHEREAS**, DiDonato Associates, P.E., P.C., the Town of Lancaster’s consulting engineer, by letter dated June 11, 2015, has recommended awarding the bid to **Yarussi Construction Inc.**, being the lowest responsible bidder in the amount of \$365,720.25 ;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Lancaster hereby awards the bid for the Town of Lancaster’s Lincoln Street Culvert Project to **Yarussi Construction, Inc., 5650 Simmons Avenue, Niagara Falls, New York 14304**, in the amount of \$365,720.25 being the lowest responsible bidder in conformance with the specifications on file in the office of the Town’s Consulting Engineer, DiDonato Associates, P.E., P.C.;

**BE IT FURTHER RESOLVED**, that the Supervisor is hereby authorized to execute this contract on behalf of the Town of Lancaster and to do all things necessary to effectuate the intent of this resolution.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

July 6, 2015

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR FUDOLI, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ABRAHAM, TO WIT:

**WHEREAS**, the Highway Superintendent of the Town of Lancaster, by letter dated June 24, 2015, has recommended the appointment of the following individual(s) to the following part-time temporary seasonal position(s).

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the following individual(s) are hereby appointed to the following part-time temporary seasonal position(s) in the Highway Department, for a period not to exceed five (5) months, and that these being part-time position(s) provide no health insurance, sick days, vacations, or other fringe benefits not specifically mandated for part-time temporary employees:

<u>NAME</u>	<u>POSITION</u>	<u>PAY RATE PER HOUR</u>	<u>EFFECTIVE DATE</u>
Spencer Podsiadlo (new hire) Cheektowaga, NY	Laborer	\$10.00	July 7, 2015

**BE IT FURTHER,**

**RESOLVED**, that the Supervisor of the Town of Lancaster shall be authorized to take all necessary action to implement the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

July 6, 2015

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR FUDOLI, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ABRAHAM, TO WIT:

**WHEREAS**, Drescher & Malecki LLP, Certified Public Accountants has  
duly examined and audited the fiscal affairs of the Town of Lancaster for the year ended  
December 31, 2014.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster accepts the  
report issued by Drescher & Malecki LLP entitled “Basic Financial Statements, Required  
Supplementary Information, and Supplemental Schedules for the Year Ended December 31,  
2014 and Independent Auditors’ Reports”.

The question of the adoption of the foregoing resolution was duly put to a  
vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

July 6, 2015

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR FUDOLI, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, Drescher & Malecki LLP, Certified Public Accountants has  
duly examined and audited the fiscal affairs of the Town of Lancaster, including the records  
and fiscal affairs of the Departments of the Town Clerk and Town Justices for the year ended  
December 31, 2014.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster accepts the  
report issued by Drescher & Malecki LLP entitled “Statement of Changes in Cash Balances  
and Statements of Cash Receipts and Disbursements of the Town Clerk and Town Justices for  
the Year Ended December 31, 2014 and Independent Auditors’ Report”.

The question of the adoption of the foregoing resolution was duly put to a  
vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

July 6, 2015



THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER ABRAHAM, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, on July 21, 2014, Nick Ciccarelli, 809 Erie Street, Lancaster, New York 14086 was approved for a Dumping Permit for property situated on the corner of Schwartz Road and Erie Street, within the Town of Lancaster, pursuant to Chapter 22-8 of the Code of the Town of Lancaster, and

**WHEREAS**, the permit was issued with conditions for one year, and

**WHEREAS**, the applicant has requested in a letter dated June 18, 2015 to extend the Dumping Permit, and

**WHEREAS**, the request was referred to the Building Inspector and Town Engineer for review and recommendation, and

**WHEREAS**, the Building Inspector and Town Engineer, by letter dated June 29, 2015 have completed their review and made a formal, favorable recommendation to the Town Board.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Nick Ciccarelli, 809 Erie Street, Lancaster, New York be and is hereby authorized to dump and dispose of materials outside permitted sanitary landfills within the Town of Lancaster, namely on premises owned by the applicant situated on the corner of Schwartz Road and Erie Street, Lancaster, New York, said dumping to be in strict conformance with the application of the petitioner as filed in the Office of the Town Clerk, and

**BE IT FURTHER**

**RESOLVED**, that **this permit is conditioned** in accordance with the recommendations of the Town Engineer and Building Inspector as follows:

1. Fill shall consist of dirt. No building demolition material such as wood, asphalt shingles, asbestos tiles, etc. are permitted.
2. Access to the site shall be controlled to prevent unauthorized dumping of non-permitted material.
3. Dirt tracked on the road must be cleaned on a daily basis and more often if necessary. The Town of Lancaster Police shall stop operation immediately upon complaint of dirty road.
4. Fill area shall be graded and seeded upon completion of filling.
5. Dumping will be allowed between the hours of 7 A.M. and 8 P.M. Monday thru Saturday. No dumping shall be allowed on Sunday.
6. Dust from the site shall also be prevented from migrating off site.

- 7. Fill shall only be placed in the areas which are indicated on the plot plan.
- 8. No signage for dumping allowed.
- 9. The source of fill is various water and sewer jobs.

**BE IT FURTHER**

**RESOLVED**, that no building permit for the construction of any structure on the SBL premises upon which this dumping permit is issued shall be approved by the Town Building Inspector until such time as the Building Inspector certifies in writing to the Town Board that the conditions enumerated in this resolution have been fully complied with, and

**BE IT FURTHER**

**RESOLVED**, that pursuant to Chapter 22-8(D)(6) of the Code of the Town of Lancaster the permit authorization granted herein **expires one year from date of this resolution.**

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

July 6, 2015

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR FUDOLI, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ABRAHAM, TO WIT:

**WHEREAS**, the Town of Lancaster (the “Town”) and Upstate Cellular Network d/b/a Verizon Wireless (“Verizon Wireless”) have negotiated an Option and Land Lease Agreement (the “Lease”) granting Verizon Wireless the option to lease space for the siting of a wireless telecommunications facility consisting of freestanding self-support tower, antennas, an equipment shelter, and other appurtenances necessary to operate the facility (the “Project”), on property owned by the Town, known by Tax Map Number 94.00-3-14, and located at 525 Pavement Road, in the Town of Lancaster, Erie County, New York (the “Property”), with rights for appropriate ingress and egress and utilities in connection therewith, and

**WHEREAS**, the Town Board has reviewed the Project and the Lease, and all other materials submitted in connection therewith, and

**WHEREAS**, the Town, acting as lead agency has completed an environmental review on June 15, 2015, in conformance with State Environmental Quality Review Act (“SEQRA”) regulations and on July 6, 2015 a Negative Declaration was issued.

**NOW, THEREFORE,**

**BE IT RESOLVED** that, the Board hereby (a) approves the Lease with Verizon Wireless, in the form presented to the Board, for the lease of the Property; (b) authorizes the Supervisor to execute the Lease (with such non-material amendments, additions or alterations as may be determined appropriate by the Town’s legal counsel); and (c) authorizes the Supervisor and other appropriate Town officials to proceed with the implementation of all steps reasonably necessary and appropriate to allow for the Town’s performance of the Lease.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

July 6, 2015

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR FUDOLI, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPNIAK, TO WIT:

**WHEREAS**, the Town of Lancaster (the “Town”) and Upstate Cellular Network d/b/a Verizon Wireless (“Verizon Wireless”) have negotiated an Option and Land Lease Agreement (the “Lease”) granting Verizon Wireless the option to lease space for the siting of a wireless telecommunications facility consisting of freestanding self-support tower, antennas, an equipment shelter, and other appurtenances necessary to operate the facility (the “Project”), on property owned by the Town, known by Tax Map Number 94.00-3-14, and located at 525 Pavement Road, in the Town of Lancaster, Erie County, New York (the “Property”), with rights for appropriate ingress and egress and utilities in connection therewith, and

**WHEREAS**, pursuant to Section 50-41.5 of the Town of Lancaster Code, new wireless telecommunications facilities may be granted a waiver by the Town Board from the requirements of the Town’s local zoning law and wireless telecommunications law if sited on Town-owned property (the “Waiver”); and

**WHEREAS**, Verizon Wireless has applied to the Town Board for approval of the Project, including approval of the Lease and the Waiver; and

**WHEREAS**, the Town Board is fully familiar with the proposed location, the surrounding parcels, and the larger neighborhood; and

**WHEREAS**, the Town Board has reviewed the Project, the Lease, the Waiver, and all other materials submitted in connection therewith.

**WHEREAS**, the Town, acting as lead agency has completed an environmental review on June 15, 2015, in conformance with State Environmental Quality Review Act (“SEQRA”) regulations and on July 6, 2015 a Negative Declaration was issued.

**NOW, THEREFORE,**

**BE IT RESOLVED** that, the Board hereby (a) approves the Waiver pursuant to Section 50-41.5 of the Town of Lancaster Code; and (b) conditions the approval of the Waiver upon completion of site plan review.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPNIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

July 6, 2015

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER ABRAHAM, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPNIAK, TO WIT:

**WHEREAS**, the Highway Superintendent of the Town of Lancaster by letter dated June 29, 2015 has requested the purchase of two (2) new and unused 2016 Western Star Tandem Chassis for the use by the Highway Department, and

**WHEREAS**, the above-referenced chassis are available from the Erie County Bid; Reference No. A213051-004 Purchase Order Award No. 4500033630, through authorized bid dealer Fleet Maintenance, Inc., which eliminates the need for competitive bidding pursuant to §103 of General Municipal Law, and

**WHEREAS**, the Town Board deems it in the public interest to approve the purchase of two (2) new and unused 2016 Western Star Tandem Chassis;

**NOW, THEREFORE, BE IT**

**RESOLVED**, as follows:

The Town Board of the Town of Lancaster hereby approves the purchase two (2) new and unused 2016 Western Star Tandem Chassis from the 2015 authorized Erie County Bid Contractor, Fleet Maintenance, Inc., 67 Ransier Drive, West Seneca, NY, 14224 under Erie County Bid Reference No. A213051-004, Purchase Order Award No. 4500033630 at a unit price of \$134,982.00 as proposed by the Superintendent of Highways for a sum not to exceed the total contract price of \$269,964.00; the purchase will be paid for with funds from the Bond authorized on May 18, 2015 for Highway Equipment.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPNIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

July 6, 2015

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER ABRAHAM, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, the Highway Superintendent of the Town of Lancaster by letter dated June 29, 2015 has requested the purchase of two (2) sets of plow equipment which includes a plow, dump body salter and other related accessories for use by the Highway Department, and

**WHEREAS**, the above-referenced equipment are available from the Oneida County Department of Purchasing, Award Reference No. 1751, through authorized bid dealer Tenco Industries, Inc., which eliminates the need for competitive bidding pursuant to §103 of General Municipal Law, and

**WHEREAS**, the Town Board deems it in the public interest to approve the purchase of said two (2) sets of plow equipment to include a plow, dump body salter and other related accessories;

**NOW, THEREFORE, BE IT**

**RESOLVED**, as follows:

The Town Board of the Town of Lancaster hereby approves the purchase of two (2) sets of plow equipment which includes a plow, dump body salter and other related accessories from the 2015 authorized Oneida County Bid Contractor, Tenco Industries, Inc., 5700 S. Lima Road, Lakeville, NY, 14480 under Oneida County Award Reference No. 1751 at a unit price of \$85,459.80 each as proposed by the Superintendent of Highways for a sum not to exceed the total contract price of \$170,919.60; the purchase will be paid for with funds from the Bond authorized on May 18, 2015 for Highway Equipment.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

July 6, 215

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER RUFFINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPNIAK, TO WIT:

**WHEREAS,** Sunstar Vending (AMF Bowling Centers- Lancaster Lanes),  
has applied for a license to operate and maintain a Game Room on premises located at  
4913 Transit Road, within the Town of Lancaster, pursuant to Chapter 17 of the Code of  
the Town of Lancaster, and

**WHEREAS,** the application was referred to the Building Inspector and  
Police Chief for review and recommendation, and

**WHEREAS,** the Building Inspector and Police Chief have completed  
their review and made a formal, favorable recommendation to the Town Board on the  
issuance of this license.

**NOW, THEREFORE, BE IT**

**RESOLVED,** that the Town Clerk be and is hereby authorized to issue a  
license to Sunstar Vending (AMF Bowling Centers- Lancaster Lanes) to operate and  
maintain a Game Room on premises located at 4913 Transit Road, Lancaster, New York,  
and

**BE IT FURTHER**

**RESOLVED,** that said license shall be issued for the **one (1) year**  
**period of July 1, 2015 to June 30, 2016** in accordance with the application of the  
petitioner, as filed in the Town Clerk's Office, accompanied with a license fee of \$840 for  
twelve (12) amusement devices.

The question of the adoption of the following resolution was duly put to a  
vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPNIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

July 6, 2015

File: RLICENSE (P2)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER RUFFINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPNIAK, TO WIT:

**WHEREAS**, the Town of Lancaster has heretofore established a Joint Social Work Counselor Program with the Lancaster Central School District and desires to continue this program, and

**WHEREAS**, the Town Board has received assurance of participation in funding by the Lancaster Central School District.

**NOW, THEREFORE, BE IT  
RESOLVED**, as follows:

That the Lancaster Town Board hereby agrees to continue a joint program for a Social Work Counselor to work in the Town of Lancaster with Lancaster Central School children in response to a demonstrated need for such services in order to reduce juvenile delinquency; enhance educational and social opportunities for youth of the Town of Lancaster and to reduce the impact of drug use, truancy, vandalism, and juvenile pregnancy, and otherwise reduce the impact of social pressures upon single-parent youth.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPNIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	NO

July 6, 2015



## **COMMUNICATIONS & REPORTS**

- 432. Executive Director of the Youth Bureau to Supervisor and Town Board –  
Request for one individual to be appointed to the position of tutor in the Youth Bureau's Safe Summer Program effective June 15, 2015.  
Disposition = Received & Filed**
- 433. The Summit Center to Supervisor –  
Information regarding 2<sup>nd</sup> Annual Community Connections Challenge.  
Disposition = Received & Filed**
- 434. Park Crew Chief to Supervisor and Town Board –  
Request that funds from Recreation Filing Fees Trust and Agency Account be used for the preparation of the softball diamonds at Walden Ponds Park and the little league diamonds at Westwood Park. Disposition = Received & Filed**
- 435. Twin District Volunteer Fire Co. to Town Clerk –  
Change in roster. Disposition = Resolution 7/6/15**
- 436. Henry Andrzejewski, Jr. to Town Clerk –  
30-day notice to renew liquor license for Boston Hotel Steak & Crabhouse.  
Disposition = Received & Filed**
- 437. Planning Department, Town of Amherst to Town Clerk –  
Proposed Local Law to Amend Zoning Ordinance, Hydrofracking.  
Disposition = Planning Committee**
- 438. Town Clerk to Town Board –  
Dog license renewals and dog census information.  
Disposition = Received & Filed**
- 439. NYS Department of Transportation to Town Clerk –  
Notice of Public Hearing and Availability of Draft Design Report regarding proposed Walden Avenue and Central Avenue intersection improvement project to be held on June 22, 2015 at 6:30PM at Lancaster Village Hall.  
Disposition = Received & Filed**
- 440. Supervising Code Enforcement Officer to Town Board –  
Recommend renewal of Special Use Permit for 33 Meadow Lea Drive, Lynette Metzger. Disposition = Resolution 7/6/15**
- 441. Dominion Transmissions, Inc. to Town Clerk –  
Information regarding pipeline safety. Disposition = Received & Filed**
- 442. Lieutenant Jeffrey Smith to Town Clerk –  
No objection to granting fireworks permit to Lancaster Speedway for June 25, 2015. Disposition = Received & Filed**
- 443. Lieutenant Jeffrey Smith to Town Clerk –  
No objection to granting fireworks permit to Lancaster Speedway for July 3, 2015.  
Disposition = Received & Filed**
- 444. Lieutenant Jeffrey Smith to Town Clerk –  
No objection to granting fireworks permit to Lancaster Country Club for July 3, 2015. Disposition = Received & Filed**
- 445. Lieutenant Jeffrey Smith to Town Clerk –  
No objection to granting fireworks permit to Fox Valley Country Club for July 3, 2015. Disposition = Received & Filed**
- 446. Greater Buffalo-Niagara Regional Transportation Council to Town Clerk -  
GBNRTC-PCC Meeting Agenda for July 1, 2015. Disposition = Received & Filed**

447. Captain Marco Laurienzo to Supervisor –  
Copy of letter from Tom Doering, Juniper Boulevard regarding his concerns with traffic matters on Juniper Boulevard. Disposition = Received & Filed
448. Town Clerk to Matt Shaw, Lancaster Speedway –  
Permit for fireworks display on June 25, 2015. Disposition = Received & Filed
449. Town Clerk to Matt Shaw, Lancaster Speedway –  
Permit for fireworks display on July 3, 2015. Disposition = Received & Filed
450. Town Clerk to Laura Jedlikowski, Fox Valley Country Club –  
Permit for fireworks display on July 3, 2015. Disposition = Received & Filed
451. Town Clerk to Mark Maier, Lancaster Country Club –  
Permit for fireworks display on July 3, 2015. Disposition = Received & Filed
452. Dr. V. Kilchyk to Town Board –  
Request for speed limit to be lowered in Cross Creek Estates.  
Disposition = Police Chief
453. Patricia Brennan to Town Board –  
Letter of opposition to proposed rezone of 5335 William Street.  
Disposition = Received & Filed
454. DiDonato Engineering to Highway Superintendent –  
Bid tabulation for replacement of Lincoln Street culvert over Scajaquada Creek.  
Disposition = Resolution 7/6/15
455. Erie County Dept. of Environment & Planning to Town Clerk –  
Response regarding amended rezone petition for 6525 & 6529 Broadway with no recommendation; local concern. Disposition = Planning Committee
456. Deputy Town Clerk to Police Chief and Code Enforcement Officer –  
Transmittal of application for Game Room License for AMF Bowling Centers (Lancaster Lanes). Disposition = Resolution 7/6/15
457. Highway Superintendent to Supervisor –  
Copy of Shared Service Agreements with New York State and the County of Erie and request to allow the Town to participate in the Shared Service Agreements.  
Disposition = Received & Filed
458. Gerald Carson to Highway Superintendent –  
Letter of resignation from the position of Heavy Equipment Operator in the Town Highway Dept. effective at the end of the workday on June 19, 2015.  
Disposition = Received & Filed
459. Janice Streit to Supervisor –  
Letter of resignation from the position of part-time worker in the Lancaster Senior Center effective 6/25/2015. Disposition = Received & Filed
460. Deputy Town Clerk to Town Engineer and Building Inspector --  
Transmittal of request for extension of dumping permit for Nick Ciccarelli, corner of Schwartz Road and Erie Street. Disposition = Resolution 7/6/15
461. Town Attorney to Town Board and Planning Board –  
SEQR response from NYS Dept. of Environmental Conservation regarding Adam's Nursery expansion, 5799 Genesee Street.  
Disposition = Planning Committee
462. Town Attorney to NYSDEC, Erie County Div. of Highway, Erie County Health Dept., Division of Sewerage Management, NYSDOT, Erie County DEP –  
Request for lead agency designation regarding rezone of 0 Walden Avenue.  
Disposition = Planning Committee

463. Town Engineer to Supervisor –  
Information regarding Walden Avenue/Central Avenue Intersection Rehabilitation. Disposition = Received & Filed
464. Supervisor to Captain Marco Laurienzo –  
Request for review of the posted speed limit within Cross Creek Estates. Disposition = Received & Filed
465. Supervisor to Captain Marco Laurienzo –  
Request for review of correspondence regarding traffic violations observed on Village View. Disposition = Received & Filed
466. Highway Superintendent to Town Board –  
Request for resolution to appoint one individual part-time to assist the Highway Dept. with GIS input. Disposition = Resolution 7/6/15
467. Twin District Volunteer Fire Co. to Town Clerk –  
Change in roster. Disposition = Resolution 7/6/15
468. Town Attorney to Supervisor, Town Board, Planning Board, Building Inspector, Town Engineer and Town Clerk –  
Notice of SEQR meeting on July 6, 2015 at 6:15PM regarding site plan for Superior Pallets, 00 Walden Ave. (Proj. #3015) and site plan for Adam's Nursery, 5799 Genesee St. (Proj. #5028). Disposition = Planning Committee
469. Supervising Code Enforcement Officer to Town Clerk –  
Recommend issuance of Game Room License for AMF Bowling Centers (Lancaster Lanes). Disposition = Resolution 7/6/15
470. Joseph A. Salvatore to to Town Clerk –  
30-day notice to renew liquor license for Salvatore's Italian Gardens. Disposition = Received & Filed
471. Erie County Division of Planning to Town Clerk –  
Reply regarding proposed rezone application for 6525 & 6529 Broadway at Townline Road from NB (Neighborhood Business) to GB (General Business); no recommendation. Disposition = Planning Committee
472. Village of Lancaster to Town Board –  
Minutes from regular meeting held on May 11, 2015. Disposition = Received & Filed
473. NYS Dept. of Public Service to Town Clerk –  
Information regarding a Study on the State of Telecommunications in New York State and public hearing opportunities. Disposition = Received & Filed
474. Town Clerk to Various News Media –  
Notice of Municipal Review Committee Meeting regarding SEQRA review: Superior Pallets, 00 Walden Ave., and SEQRA review: Adam's Nursery, 5799 Genesee St. on July 6, 2015 at 6:15PM. Disposition = Planning Committee
475. Police Chief to Town Clerk –  
Articles and communications. Disposition = Received & Filed
476. Highway Superintendent to Town Board –  
Request for resolution to purchase two new and unused 2016 Western Star Tandem Chassis. Disposition = Resolution 7/6/15
477. Highway Superintendent to Town Board –  
Request for resolution to purchase 2 sets to include plow, dump body, salter and related equipment. Disposition = Resolution 7/6/15
478. Town Board to Frank Fialkiewicz, III –  
Proclamation commending Frank Fialkiewicz, III on his graduation from Canisius High School after a stellar high school career. Disposition = Received & Filed

- 479. Dog Control Officer to Town Board –  
Dog Control Report for May 2015. Disposition = Received & Filed**
- 480. Town Engineer and Supervising Code Enforcement Officer to Town Board –  
Recommend issuance of an extension to the dumping permit for Nick Ciccarelli,  
Corner of Schwartz Road & Erie Street; conditions noted.  
Disposition = Resolution 7/6/15**
- 481. Highway Superintendent to Town Board –  
Problem at the end of Daniel Drive in Bowmansville regarding snow storage in  
winter time. Disposition = Received & Filed**
- 482. Highway Superintendent to Town Board –  
Issues on Juniper Boulevard. Disposition = Received & Filed**
- 483. Lieutenant Jeffrey Smith to Deputy Town Clerk –  
No objections to Game Room License application filed for Lancaster Lanes.  
Disposition = Resolution 7/6/15**
- 484. Town Clerk to Various News Media –  
Press Release regarding Yard Sale Permits for the Town of Lancaster (excluding  
the Villages of Lancaster and Depew). Disposition = Received & Filed**
- 485. Town Clerk to Town Engineer and Building Inspector --  
Transmittal of Application for Dumping Permit for David L. Roberts,  
6349 Genesee St. Disposition = Received & Filed**
- 486. Supervising Code Enforcement Officer to Town Board –  
Response to Highway Superintendent Amatura's letter dated June 30, 2015,  
regarding property located at 20 Daniel Drive. Disposition = Received & Filed**

**ADJOURNMENT:**

**ON MOTION OF COUNCIL MEMBER ABRAHAM AND SECONDED BY  
COUNCIL MEMBER RUFFINO AND CARRIED,** the meeting was adjourned in  
memory of Charles J. Ardillo and Floyd J. Garfield at 9:21 P.M.

Signed \_\_\_\_\_  
Johanna M. Coleman, Town Clerk